

REMARKS

Applicants have received and carefully reviewed the Non-Final Office Action of January 13, 2006. Claims 1-17 and 19-43 are currently pending in the application, of which claims 1 and 32 are independent claims.

In view of the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Claims 1-13, 19-20, 24, 26 and 28-31 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U. S. Patent No. 6,430,538 issued to Bacon, *et al.* ("Bacon"). Applicants respectfully traverse this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(e) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(e) rejection improper.

Claim 1, as previously presented, recites:

"A workflow management system for automating a business process, comprising:

an administrator executable by the computer, wherein the administrator manages automating the business process and comprises an organization manager, a role/group manager, an authority manager, a process manager, and a folder manager"

Bacon fails to teach or suggest each and every claimed feature of the present invention, more particularly, Bacon fails to teach or suggest a workflow management system for automating a business process, comprising: an administrator which is executable by the computer, wherein the administrator manages automating the business process and comprises

an organization manager, a role/group manager, an authority manager, a process manager, and a folder manager. The Examiner states that:

the application services are executed by the server. The application contains agents that are responsible for automating business processes. The system incorporates LDAP services and certificate services for organization management and role/group management. The system also uses a database to store process definitions. This database serves as a process manager and folder manager. A folder manager contains information regarding business processes (See Office Action, on page 3, paragraph 5).

The Examiner fails to illustrate where in Bacon an administrator, as recited in claim 1, is disclosed. The workflow management system of Bacon incorporates LDAP services and certificate services (See col. 5, lines 15-21) and includes a database to store process definitions (See col. 4, line 66 to col. 5, line 7); however, Bacon fails to disclose an authority manager. Additionally, Bacon fails to teach an administrator which comprises the organization manager, the role/group manager, the authority manager, the process manager, and the folder manager, which is executable by the computer and manages automating the business processes. Rather, Bacon teaches the workflow management system, which comprises a server, a process definition tool, agents, a database, and clients (See col. 4, lines 15-20), none of which include all the claimed features of the administrator as recited in claim 1. Claims 2-13, 19-20, 24, 26 and 28-31 depend from independent claim 1 and therefore are patentable for at least the aforementioned reasons.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-13, 19-20, 24, 26 and 28-31. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 1, and claims 2-13, 19-20, 24, 26 and 28-31 that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant's disclosure. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Bacon, et. al. (U.S. Patent No. 6,430,538)

Claims 14, 16-17, 25, and 27

Claims 14, 16-17, 25, and 27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bacon. Applicants respectfully traverse this rejection for at least the following reasons.

As noted above, Bacon fails to teach or suggest each and every claimed feature as described in independent claim 1. Dependent claims 14, 16-17, 25 and 27 depend from independent claim 1 and therefore are patentable for at least the reasons discussed above.

Claims 32-43

Claims 32-43 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bacon. Applicants respectfully traverse this rejection for at least the following reasons. First, it appears from the Examiner's rejections that the Examiner has taken "Official Notice without Documentary Evidence to Support the Examiner's Conclusion" without specifically stating such. MPEP 2144.03(E) states, "any rejection based on assertions that a fact is well-

known or is common knowledge in the art without documentary evidence to support the examiner's conclusion should be judiciously applied." MPEP 2144.03(A) states, "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." With respect to claims 32-34, Applicants respectfully contend the Examiner has not judiciously applied the standard of MPEP 2144.03, nor has the Examiner satisfied his burden of showing that the facts asserted are capable of instant and unquestionable demonstration. Applicants believe the Examiner is relying on personal knowledge to support the finding of what is known in the art; and therefore, must provide documentary evidence or provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. Therefore, for the Examiner to maintain his rejection under 35 U.S.C. §103(a), Applicants believe documentary evidence must be presented to support an obviousness-based rejection. Additionally, Applicants respectfully contend the Examiner has arrived at the presently claimed subject matter through the use of impermissible hindsight review. Therefore, for at least these reasons, the rejections of claims 32-43 should not be allowed to stand.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 14, 16-17, 25, 27, and 32-43. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that claims 14, 16-17, 25 and 27 dependent from independent claim 1 are allowable, and independent claim 32, and claims 33-43 that depend therefrom, are allowable.

Bacon, et. al. (U.S. Patent No. 6,430,538) in view of Berg, et. al. (U.S. Patent No. 5,999,911)

Claims 15 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bacon in view of U.S. Patent No. 5,999,911, issued to Berg, *et. al.* ("Berg"). Applicants respectfully traverse this rejection for at least the following reasons.

As noted above, Bacon fails to teach or suggest each and every claimed feature as described in independent claim 1, and Berg fails to cure the deficiencies of Bacon. Dependent claims 15 and 21-23 depend from independent claim 1 and therefore are patentable for at least the reasons discussed above.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15 and 21-23. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that claims 15 and 21-23, which depend from independent claim 1 are allowable.

CONCLUSIONS

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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